

REGULAR

NUMBER: 196.8

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING MILPITAS MUNICIPAL CODE, SECTION V-9-4.05, REGARDING AMPLIFIED NOISE IN GILL PARK

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of October 17, 2006, upon motion by Councilmember Polanski and was adopted (second reading) by the City Council at its meeting of November 7, 2006, upon motion by Councilmember _____. Said Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Steven T. Mattas, City Attorney

ORDAINING CLAUSE:

THE CITY COUNCIL OF THE CITY OF MILPITAS DOES ORDAIN AS FOLLOWS:

Section 1. Findings. The Milpitas Municipal Code currently allows those who desire to use amplifiers for music or sound in City parks request a permit from the City Manager. The purpose of this ordinance is to prohibit the issuance of City Manager issued permits for amplified sound at Gill Park. The City Council received information from residents near Gill Park notifying the City Council that amplified sounds have a disruptive effect on the nearby community. The City Manager will continue to consider issuing amplified sound permits to qualified applicants at all other City parks.

Section 2. Amendment to Section 4.05, Chapter 9 of Title V

Chapter 9 of Title V of the Milpitas Municipal Code is hereby amended to read as follows:

V-9-4.05 Use of loudspeakers

The use of any loudspeaker or other noise amplifying device. The issuance of a written permit from the City Manager or his authorized agent for the use of any loudspeaker or other noise amplifying device referred to in Section V-9-4.00 shall not apply to Gill Park.

Section 3. Effective Date and Posting

In accordance with CA Government Code Section 36937, this Ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The Milpitas City Clerk shall cause this Ordinance to be published in accordance with Government Code Section 36933.